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October 19, 2015

Via E-Mail and ECF

Hon. Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, New York 10007
Alcarnernysdchambers@nysd.uscourts.gov

Re: Lyons v. Litton Loan Servicing LP, et al., No. 13-cv-00513 (ALC)
Clarizia v. Ocwen Financial Corporation, et al., No. 13-cv-2907 (ALC)

Dear Judge Carter:

This firm represents Defendants Ocwen Financial Corporation, Ocwen Loan Servicing, LLC and Litton Loan Servicing, LP in the matters in caption.

On September 29, 2015, the Court entered orders (Lyons, DE 182; Clarizia, DE 121) requiring Plaintiffs to show cause why the cases “should not be dismissed against all Defendants on the grounds that the filed rate doctrine precludes Plaintiffs’ claims,” in light of Rothstein v. Balboa Ins. Co., 794 F.3d 256 (2d Cir. 2015). The Court set a briefing schedule requiring Defendants to file their opening brief by October 26; Plaintiffs to file their response by November 23; and Defendants to file their reply by December 7, 2015. The show cause hearing was set for December 11, 2015. After entry of the show cause orders, the Lyons plaintiffs and Defendants American Modern Insurance Group, Inc. and American Modern Home Insurance Company (“American Modern Defendants”) filed a joint motion (DE 183) seeking a 60 day stay as to claims against the American Modern Defendants on the grounds that the parties had reached a class settlement.

The American Modern Defendants (or their affiliates) provided LPI coverage for loans serviced by Litton. In light of American Modern’s apparent settlement in principle with Plaintiffs, I write to request a roughly 30-day extension of the deadlines associated with the



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show cause hearing so that Defendants may assess the extent to which the settlement affects the issues upon which the Court requested briefing. If the Court agrees that an extension is appropriate, Plaintiffs and the Defendants other than American Modern (which is seeking a stay) have agreed to submit their papers according to the following schedule:

Defendants' Opening Brief	November 20, 2015
Plaintiffs' Response	December 21, 2015
Defendants' Reply (if any)	January 8, 2016

The show cause hearing could be re-set at a time of the Court's choosing, to allow for the completion of briefing in advance of the hearing. Though the American Modern Defendants are not parties in the Clarizia litigation, I respectfully request that the Court enter an order similarly extending the deadlines there so the parties can submit joint, coordinated briefs for the Court's review.

In accordance with the Court's Individual Practices, I state that no parties have previously requested adjournments of the deadlines discussed herein, and that Plaintiffs consent to the relief requested herein.

Thank you for the Court's consideration.

Very truly yours,

A handwritten signature in cursive script that reads "Brian V. Otero".

Brian V. Otero

cc: Counsel of Record